

Indiana Regulatory Occupations Evaluation Committee Minutes of the May 23, 2012 Committee Meeting

Call to Order & Establishment of Quorum

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, May 23, 2012 in the Government Center South Conference Room W064 at 9:00 a.m.

Committee members present:

- John Graham, Committee Chair
- Barry Boudreaux
- Gloria Downham
- Frances Kelly
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

Review of Minutes of April 18, 2012 meeting

The April 18, 2012 minutes were reviewed and unanimously approved by committee members.

Testimony and review of letters regarding recommendation to make the Physical Therapy Committee independent from the Medical Licensing Board

The committee reviewed the letters submitted by the Medical Licensing Board (attached as Exhibit A) and the Indiana State Medical Association (attached as Exhibit B)

Ted Kennedy, Physical Therapist – former PT Committee Chair gave a presentation (attached as Exhibit C). Mr. Kennedy testified that the Physical Therapy Committee has evolved and matured to a degree that the Medical Licensing Board (MLB) trusts them to make very important decisions on when and what disciplinary actions are to be taken against physical therapy practitioners who violate either the Practice Act or the rules and regulations, and the MLB allows them to do this independently.

He further stated that if the PT Committee is able to conduct the public hearing and give approval to the rules, two to three (2 -3) months could be taken off of the time to get rules approved.

Finally, he pointed out that both the Professional Licensing Agency (PLA) and the Indiana Attorney General's Office have representatives at the PT Committee meetings which do assure that the committee acts within its scope of practice and adhere to appropriate legal guidelines.

Committee Member: How long has the PT Committee been a part of the Medical Licensing Board?

Mr. Kennedy: They have been a part of Medical Licensing Board since 1957.

Committee Member: How is this situation handled in other states?

Mr. Kennedy: Most of the states have independent PT boards and/or boards combined with Athletic Trainers.

Committee Member: Is there a correlation between direct access and PT boards being independent?

Mr. Kennedy: I do not see this as the direction of the PT committee here in Indiana. The general public will not see a difference other than some streamlining of processes.

Kelly Renner, of the Indiana Chapter of the American Physical Therapy Association, shared a PowerPoint presentation with the committee (attached as Exhibit D). She stated that the American Physical Therapy Association recommends an independent Physical Therapy Board and there are three (3) physical therapy programs in Indiana through Indiana University, University of Indianapolis and University of Evansville. She explained that currently a DPT degree (doctor of physical therapy) is required for graduation. She further shared that thirty-seven (37) of the states have independent boards and there is only one (1) of three (3) states that regulates PT committees which are housed under a medical licensing board.

Dr. Maria Fletcher, the Physician member of PT Committee, explained that she has been the physician member of the PT committee since 2000 and was educated in Indianapolis at IU School of Medicine. She feels that as a physician the practicing physical therapists are very aware of scope of practice. She stated that she does not feel that the PT committee is attempting to sway the state to move toward direct access for patients. Dr. Fletcher stated that her main concern is what is best for her patients and she feels that the PT committee moving toward an independent board is what is best for the public.

Gloria Downham will send out scoring sheets to all committee members within the next few days.

Dean Graham asked that a review of other professions under the Medical Licensing Board be added to the agenda of the June 20, 2012 meeting.

Conclusion: The ROEC Committee agreed unanimously that they will recommend that the Physical Therapy committee be removed from under the purview of the Medical Licensing Board.

Findings and Recommendations of the Physical Therapy Committee and the Indiana Athletic Trainers Board

The Indiana AT Board sent a letter to the committee to clarify the board's recommendation pertaining to the amount of time an athletic trainer from another state may practice in Indiana without obtaining a temporary license, as well as the viability of the temporary license currently offered by the AT Board. The letter stated that they feel the current thirty (30) day provision is sufficient given that the recommendation of the board is to eliminate the Temporary Athletic Trainer License option from the license types offered by the Athletic Training Board.

Report from ROEC Subcommittee on Physician Assistants

Frances and Barry presented their review of the Physician Assistants Committee recommending the following:

- Clarify and potentially relax chart review provisions
- Permit more discretion between the physician and PA regarding the supervision and scope of practice requirements.
- Increase number of PAs a physician may supervise.

It is also recommended that Indiana State Medical Association (ISMA) work with PAs to put forth mutually beneficial language that will increase access to healthcare, not restrict practice.

Chairman Graham shared with the committee discussions he had with Chris Adkins, Policy Director for the Mike Pence Campaign for Governor. He stated that it appears that Pence and his team are looking into how to structure deliberations and disburse the recommendations that are offered to the General Assembly by ROEC. For example should the legislature have to vote on the recommendations as a whole, one at a time, or should they go to a committee first. They are currently working on what is a sensible process. He also stated that he met with Tyler Campbell, Policy Director, Republican Caucus Indiana House of Representatives who made the suggestion that ROEC turn in its report around September or October so that interested parties have plenty of time to review the information contained within. He also said that Representative Campbell suggested ROEC turn in their reports in Sunset Review form. In trying to clarify for the committee he explained that the committee could take a two-bin or three-bin approach. The two-bin approach would be that the item should be placed under sunset review unless the General Assembly wants to look at it and decides not to meet about it. Finally he informed the committee that he would not be available for the next five (5) upcoming meetings due to his travel schedule. He requested that Barry Boudreaux step in as Acting Chairman and that Deanna Malatesta, Assistant Professor SPEA, IUPUI sit on the board as his proxy.

The committee changed its mind regarding not submitting another report prior to the end of the year.

Chairman Graham stated that after his recent above referenced discussion he feels that one report a year is a better model.

The following Cross Cutting Issues were discussed:

- a. Professional corporations

- b. Direct access
- c. Income to general fund versus board operations
- d. Renewal requirements without continuing education requirements
- e. Certification versus licensure

Professional Corporations - The committee agreed through general consensus that this license should be eliminated across the board.

Direct Access – The committee agreed that this issue is beyond their purview and do not want to get into the middle of it.

Income to general fund versus board operations - It was stated that PLA should be given more of its collected fees to run the agency. Chairman Graham stated that currently there is no business model involved that works. He feels that the committee should state in the report how they feel about the monies going to the general fund and then provide a model that works as a suggestion. He stated that this issue, as with many of the cross cutting regulatory issues, the question is whether or not it falls under ROEC purview and are they prudent questions to ask.

One committee member likened it to grandchildren working for their grandparents, who in turn pay the parents the money and they in turn pay the child a percentage of the money instead of giving them what they earned.

Mike Rinebold of the Indiana State Medical Association stated that the problem lies not in the fees for licenses but that services previously received by licensees have been reduced.

The suggestion was made that perhaps a model of what it costs PLA to run each board should be presented to the General Assembly giving them a better understanding of what is needed to run the agency.

Renewal requirements without continuing education requirements – The committee questioned why there are renewal requirements when they are not tied to CEUs. Frances explained that there can be other reasons tied to the renewals such as background checks, morality issues, actions taken against a license, name changes and address changes. The question was posed as to how a renewal timeline is decided and it was explained that that is a General Assembly decision. Frances stated that most renewal timelines are within a two-three (2-3) year period.

Certification versus licensure – The committee requested that Marty Allain send them the report he put together regarding scope of practice and title protection.

Chairman Graham stated that the current role for ROEC is to create a list of occupations for licensing that have a strong case for sunset review. Then create another list of occupations that the committee does not feel have a case for sunset review. He further reiterated that those occupations which should be contained within

the September/October report are physician assistants, athletic trainers, physical therapists and real estate appraisers. They also hope to include respiratory care and auctioneers. The committee through general consensus decided to include previous recommendations in their report to the General Assembly.

Review Schedule

JUNE 20, 2012 – 9am – 2pm

- Discussion of recommendations to be made in ROEC report to Indiana Health Finance Commission
 - i. Physical Therapy Committee
 - ii. Report of other boards under the Medical Licensing Board
 - iii. Indiana Athletic Trainers Board
 - iv. Physicians Assistant Committee
 - v. Real Estate Appraiser Licensure & Certification Board
- Discussion of cross-cutting issues to be considered for ROEC Report
 - Professional Corporations
 - Conceptual structure of sunset review
 - Scoring benchmarks to recommend to sunset review
 - Previous recommendations to be included in sunset review recommendation

AUGUST 22, 2012 – 9am-3pm

- Respiratory Care Committee – “Part A & B” presentation
- Indiana Auctioneer Commission – “Part A & B” presentation
- Findings and Recommendations of the Respiratory Care Committee and the Indiana Auctioneer Commission
- Review of ROEC Report to Health Finance Commission

SEPTEMBER 19, 2012 – 9am-12pm

- Finalize ROEC Report to Health Finance Commission

OCTOBER 24, 2012 – 9am-3pm

- Indiana Plumbing Commission – “Part A & B” presentation
- Indiana State Psychology Board – “Part A & B” presentation
- Findings and Recommendations of the Indiana Plumbing Commission and the Indiana State Psychology Board

DECEMBER 5, 2012 – 9am-12pm

- TBD

Adjournment

Chairperson Graham adjourned the meeting at approximately 11:50 a.m.

Dean John Graham, Chair

Date

Indiana Regulatory Occupations Evaluation Committee

Next Scheduled Meeting:

June 20, 2012

9:00 a.m.

Indiana Government Center South

Conference Center Room W064